

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:11-CR-371**

UNITED STATES OF AMERICA

vs.

JOHN STACKS

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ORDER

THIS MATTER is before the Court upon the parties' Joint Recommendation with Regard to Defendant's Motion to Suppress (Doc. No. 15). The Court construes this recommendation as a motion, and the motion is DENIED.

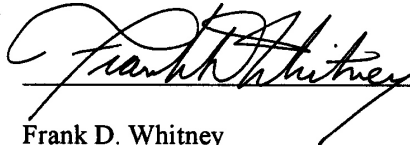
In their motion, the parties seek to have the Court determine the motion to suppress (Doc. No. 10) based solely upon the issue of whether Officer Williams and Overman possessed reasonable and articulable suspicion to conduct a traffic stop of Defendant's car. However, the Court must follow the law in its entirety and HEREBY ORDERS the parties to comply with the Court's original order. The parties shall have seven (7) days to brief the court on the doctrine of the fruit of the poisonous tree and its application to the instant case if the traffic stop is found unconstitutional.

Furthermore, in their motion, the parties list four (4) pieces of evidence at issue in the suppression motion: (1) statements made by Defendant during the course of the investigatory traffic stop; (2) the .380 auto caliber Cobra Enterprises model CA-380 semiautomatic pistol; (3) statements made by Defendant after turning himself in and waiving his Fifth and Sixth Amendment rights; (4) and Defendant's recorded telephone conversations from the Mecklenburg County Jail. The Court HEREBY FURTHER ORDERS the parties to include in their briefs an analysis of the admissibility

of the following evidence if the stop is found unconstitutional: (1) Defendant's identity obtained from his driver's license and (2) the observation of the officers of jackets in Defendant's vehicle and a bulge under one of the jackets.

IT IS SO ORDERED.

Signed: March 26, 2012



Frank D. Whitney
United States District Judge

